



**Computer & Communications
Industry Association**

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May 20, 2003

Senator Sam Brownback
303 Hart Senate Office Building
Washington, DC 20510

Dear Senator Brownback:

On behalf of the Computer & Communications Industry Association (CCIA), I would like to commend your introduction of the Consumers, Schools, and Libraries Digital Rights Management Awareness Act of 2003, and offer our support for this important legislation.

CCIA is an association of computer, communications, Internet and technology companies that range from small entrepreneurial firms to some of the largest members of the industry. CCIA was founded over 30 years ago and our members include equipment manufacturers, software developers, providers of electronic commerce, networking, telecommunications and online services, resellers, systems integrators, and third-party vendors. Our member companies employ nearly one million people and generate annual revenues exceeding \$300 billion.

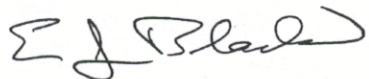
CCIA has long worked to preserve balance in our system of copyrights and intellectual property, and we believe your legislation will effectively address some of the most troubling threats to this balance. Most significantly, your bill would prohibit the implementation of an FCC-mandated DRM system that would frustrate the rights and expectations of users and innovators and prevent consumers from engaging in many lawful, customary activities with copyrighted content. We also believe that it is important to ensure that consumers are given appropriate notice of DRM implementations in the products they purchase.

As you know, CCIA has also been active as an amicus in ongoing litigation surrounding §512(h) of the DMCA, which provides for pre-litigation subpoena power for certain cases of suspected copyright infringement. We have argued that Section 512(h) was intended to apply only in situations where the infringing content resides on the ISP's server, and not in cases when the ISP serves as a "mere conduit" for access to the Internet and transmission of the allegedly infringing information. Your legislation makes clear this statutory intent.

We appreciate the tremendous work that you have dedicated to the development of this legislation, and we believe your bill goes far in protecting the balance that has been a hallmark of our system of copyrights and intellectual property. We look forward to working with you as it moves forward.

Please contact me if you have any questions, or if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Black", with a stylized, cursive script.

Ed Black
President and CEO